

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Plaintiff,

v.

Case No. 21-10076

Hon. Denise Page Hood

BOND PHARMACY, INC. d/b/a  
ADVANCED INFUSION SOLUTIONS,

Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION (#29)**

On December 7, 2022, the Court entered an Order Granting Motion for Leave to File an Amended Motion to Dismiss Plaintiff's Amended Complaint. (ECF No. 27) Plaintiff filed its Motion for Reconsideration of the Court's December 7, 2022 Order on December 20, 2022. (ECF No. 29)

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration of non-final orders must be filed within 14 days after entry of the order. E.D. Mich. LR 7.1(h)(2). No response to the motion and no oral argument are permitted unless the Court Orders otherwise. E.D. Mich. LR 7.1(h)(3). Motions for reconsideration may be brought upon the following grounds:

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;

(B) An intervening change in controlling law warrants a different outcome; or

(C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. LR 7.1(h)(2). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

The Court allowed Defendant to file an amended motion to dismiss so that Defendant could raise a new argument on what Defendant claimed as subsequent public admissions since Defendant filed its motion to dismiss and to further support Defendant’s arguments. In its Motion for Reconsideration, Plaintiff states that the Court “presumably believ[ed] Defendant’s representations to be true.” (ECF No. 29, PageID.367) The Court did not so presume and nothing in its Order so stated; the Court only allowed Defendant to amend its motion to dismiss to raise a new argument.

In its Motion for Reconsideration, Plaintiff goes on to argue the merits of Defendant’s new argument and related evidence. The Court, however, did not make any findings in its Order as to any argument or related evidence Defendant sought to raise in its amended motion to dismiss. The Court only allowed Defendant to raise its

new argument and related evidence in an amended motion to dismiss. The Court, therefore, will not reconsider its Order allowing Defendant to raise a new argument in an amended motion to dismiss.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for Reconsideration (ECF No. 29) is DENIED.

S/DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge

DATED: March 29, 2024